IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

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PRESENT

**THE HON'BLE MR JUSTICE A.GOPAL REDDY**

**WRIT PETITION NO : 16609 of 2004**

-

Between:

Sultana Parveen Kattala, D/o.K.Khaja Mohiddin,
R/o.14/502, Dastagiripet, Proddatur (Post),
Kadapa Dist.

**..... PETITIONER**

AND

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1 The Controller of Examinations, S.V. University,

Tirupathi, Chittoor Dist.
2 The Director, Directorate of Admn., SVUCET-2004,

S.V. University, Tirupati, Chittoor Dist.
3 The Convenor, SKUCET-2004, Sri Krishna Devaraya

University, Ananthapur.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ, order or direction particularly writ of Mandamus, directing the respondents to treat results of the September 2004 exams of the petitioner of physics paper IV as that of instant exam and allow her to participate in the counselling for post- graduate Computer course based on the common entrance test conducted for the academic year 2004-2005.

**Counsel for the Petitioner: MR.M.N.NARASIMHA REDDY**

**Counsel for the Respondents: MR.P.SREE RAMULU NAIDU**

**The Court at the admission stage made the following :**

**ORDER**:

Heard learned counsel for the petitioner and learned Standing Counsel for

the respondents. Both have no objection for disposal of the writ petition at the admission stage.

The argument advanced by the learned counsel for the petitioner that the petitioner secured a rank in the PG Entrance Examination and is entitled to be admitted into PG. Course irrespective of his failure in the qualifying examination, is appears to be a fallacy, which cannot be accepted. The reason for such argument appears to be the petitioner earlier declared as failed in the third year B.Sc., examination in two papers, namely, Physics paper IV and Computer Science paper III. Suspecting that the papers are not properly validated she, applied for revaluation of Maths paper IV, Computer Science Paper III and Physics Paper IV and in that process she got 114 marks for 60 marks in Maths paper IV and 37 marks for 10 marks in Computer Science paper III and the marks in Physics paper IV remained the same i.e., 28 marks. In effect the petitioner failed in Physics Paper IV and declared to be failed in B.Sc. Learned counsel for the petitioner contends that the marks of both the segments should be taken together for qualifying the examination and prescribing minimum marks in both the segments is arbitrary and illegal.

The contention of the learned counsel for the petitioner that since the instant examination was not conducted after the revaluation results are announced, the petitioner could not avail the benefit of appearing for the instant examination and she appeared for the supplementary examination in September 2004, which can be treated as instant examination, cannot be countenanced. I see no grounds to entertain the writ petition.

Accordingly, the Writ Petition is dismissed at the admission stage. If the petitioner suffered any loss due to the action of the university, it is always open for him to proceed against the university for damages, if any.

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**A. Gopal Reddy, J.**

16th September, 2004.

Js.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

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